

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT ALVARADO, et al.,  
Plaintiffs,  
v.  
McCLOUD BUILDERS, INC.,  
Defendant.

No. 05-2171 n CW  
ORDER ADOPTING  
MAGISTRATE JUDGE'S  
REPORT AND  
RECOMMENDATION RE:  
PLAINTIFFS' MOTION  
FOR DEFAULT  
JUDGMENT

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The Court has reviewed Magistrate Judge Edward M. Chen's Report and Recommendation Re: Plaintiffs' Motion for Default Judgment. No objections have been received. The Court finds the Report correct, well-reasoned and thorough. The Court adopts it in every respect. Accordingly, the Magistrate Judge's Recommendation is adopted as the Order of the Court and judgment shall enter accordingly.

Thus, the Court grants Plaintiffs' motion for default judgment as to its claims to confirm the Arbitration Award requiring Defendant to pay Plaintiffs \$68,464.80 (\$47,500,80 in wages and

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1 \$20,664.00 in fringe benefits) and to submit to an audit of its  
2 books, records, papers and reports as required by the award. The  
3 Court dismisses without prejudice Plaintiff's remaining claims.  
4 The Court awards Plaintiffs' attorneys' fees and costs in the  
5 amount of \$3,389.50.

6 Once judgment in this case is entered, however, Plaintiffs may  
7 be barred by the doctrine of res judicata from recovering  
8 additional delinquent payments they may discover they are owed  
9 through an audit. See Int'l Union of Operating Engineers v. Karr,  
10 994 F.2d 1426, 1430 (9th Cir. 1993). Thus, Plaintiffs shall notify  
11 the Court within two weeks of the date of this order whether they  
12 wish judgment to enter, or to delay entry of judgment so that they  
13 may conduct an audit and seek further contribution if warranted.  
14 If Plaintiffs fail to notify the Court within two weeks, the Court  
15 will enter judgment and close the file.

16 IT IS SO ORDERED.

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19 Dated: 9/19/06

  
20 CLAUDIA WILKEN  
21 United States District Judge  
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